REMARKS

Claims 1, 3-8, 11, 16 and 21-33 are currently pending in the subject application. Claims 2, 9, 10, 12-15, 17-20, 22, 26 and 34-40 have been withdrawn pursuant to a restriction requirement and are hereby cancelled. Claims 22 and 31-33 have been amended herein. A complete listing of the claims showing changes made can be found at pages 2-7. Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

I. Rejection of Claims 22-33 Under 35 U.S.C. § 101

Claims 22-33 stand rejected under 35 U.S.C. § 101, as being directed to non-statutory subject matter. Independent claim 22 has been amended herein to recited storing account data ... to a computer readable medium (*e.g.*, magnetic disk, optical disk, flash memory...). Such amendment should limit the recited process to the technological arts as requested by the Examiner. Claims 23-33 depend from claim 22. Accordingly, the rejection of claims 22-33 should be withdrawn.

II. Rejection of Claims 1, 3-5, 11, 16 and 21-32 Under 35 U.S.C. § 102(e)

Claims 1, 3-5, 11, 16 and 21-32 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Groat, *et al.* (US 2001/0032155 A1). It is respectfully requested that this rejection be withdrawn for at least the following reasons.

Groat, *et al.* does not disclose, teach or suggest each and every aspect of applicant's claimed invention.

> A single prior art reference anticipates a patent claim only if it expressly or inherently ***describes each and every limitation set forth in the patent claim.*** *Trintec Industries, Inc., v. Top-U.S.A. Corp.*, 295 F.3d 1292, 63 U.S.P.Q.2D 1597 (Fed. Cir. 2002); *See Verdegaal Bros. v. Union Oil Co. of California,* 814 F.2d 628, 631, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987). ***The identical invention must be shown in as complete detail as is contained in the ... claim.*** *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989) (emphasis added).

Groat, *et al.* fails to disclose, teach or suggest a third user interface element characterizing ***an impact value adapted to adjust the base data***, as recited by claim 1, and ***defining impact data having an impact value*** for at least one account of the plurality of accounts, as recited by claim 22. The Examiner asserts that "the mathematical representation of these interdependent relationships among different account values is indicative of at least one impact value." However, this merely discloses that methods are utilized to calculate base data for an account. The subject invention as recited by claim 1 (and similarly by claim 22) includes both an interface element characterizing a ***method component to derive base data*** for at least one account ***and*** an interface for element for characterizing an ***impact value adapted to adjust the base data***. Hence, the cited reference fails to disclose each and every identical limitation of the claimed invention.

Additionally, Groat, *et al.* fails to disclose or teach a ***key result impact value*** corresponding to at least part of the impact value, as recited by claim 11 (and similarly by claims 23-25) and an ***action plan impact value*** for at least one account as recited by claims 21, 26, and 29.

Groat, *et al.* also fails to disclose or teach ***aligning a plurality of time periods*** in the stored account data relative to a starting day, as recited by claim 31. For this claim, the Examiner merely cites paragraphs (44, 62, and 71) which disclose that events can have properties such as frequency, time, date, moving a slider bar to view how a budget varies over time, and that a date can be displayed. There is absolutely no disclosure or teaching regarding alignment of a plurality of time periods relative to a starting day.

Claim 32 depends from 31 and further recites locating a date in each of a plurality of time periods ... ***that matches the starting day of the calendar data and*** ... ***aligning*** each of the plurality of time periods ... so that each of the plurality of time periods ***has a starting day that matches the starting day of the calendar time data***. The Examiner cites the same paragraphs cited for claim 31 which again merely disclose that events can have properties such as frequency, time, date, moving a slider bar to view how a budget varies over time, and that a date can be displayed. It is readily apparent that such disclosure by Groat, *et al.* fails to disclose or teach each and every aspect of the claimed invention.

In view of the above, the claimed invention is not anticipated by Groat, *et al.* Accordingly, the rejection of claims 1, 3-5, 11, 16 and 21-32 should be withdrawn.

III. **Rejection of Claims 6-8 and 33 Under 35 U.S.C. §103(a)**

Claims 6-8 and 33 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Groat, *et al.* (US 2001/0032155 A1) as applied to claims 1, 5 and 31 above and in view of claimed Official Notice. It is respectfully submitted that this rejection should be withdrawn for at least the following reasons.

Claims 6-8 and 33 depend directly of indirectly from claims 1 and 22, respectively. Accordingly, claims 6-8 and 33 are allowable for at least the same reasons as independent claims 1 and 22.

Applicant's representative traverses the purported Official Notice and its suggested combination with the cited reference to obviate the claimed invention. Claim 6 as well as claim 7 recite a fourth interface component adapted to ... ***concurrently display adjusted data and corresponding data for each of the plurality of selected accounts for a different period of time from that shown in the display areas***. Claim 8 recites the fourth interface component further adapted to ***display a daily comparison of adjusted data and the corresponding data***. The Examiner concedes that Groat, *et al.* does not teach data from different periods of time being displayed concurrently nor concurrently displaying the effects of various factors. To fill the void left by the prior art the Examiner takes Official Notice "that it is old and well-know in the art of computer presentations to concurrently display various factors, scenarios, etc. that are being compared to one another." Applicant's representative respectfully requests that the Examiner provide support for the purported well known statement pursuant to MPEP § 2144.03 if the rejection of claims 7-8 is to be maintained or alternatively withdraw the rejection thereto.

Moreover, applicant's representative submits that the Examiner is utilizing improper hindsight to depreciate the claimed invention.

> It is impermissible to use the claimed invention as an instruction manual or "template" to piece together the teachings of the prior art so that the claimed invention is rendered obvious. This court has previously stated that "***one cannot use hindsight reconstruction to pick and chose among isolated references in the prior art to deprecate the claimed invention***. *In re Fitch*, 23 USPQ2d 1780, 1784 (Fed. Cir. 1992) (quoting *In re Fine*, 837 F.2d 1071, 1075 5 USPQ2d 1596, 1600 (Fed. Cir. 1988)) (emphasis added)

It is submitted that the Examiner seems to be utilizing the subject invention as a template or road map to pick and chose isolated portions of the cited reference and take Official Notice of the missing teachings to obviate the claimed invention. Such a practice is not proper means for determining obviousness.

As per claim 33, Groat, *et al.* fails to disclose teach or suggest ***determining an attribute impact value for a designated account***, the attribute impact value being determined as a function of the stored account data for the designated account for a ***corresponding event in at least one year of stored account data***, as recited.

> A prima facie case of obviousness is established by a showing of three basic criteria. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the ***prior art reference*** (or references when combined) ***must teach or suggest all the claim limitations***. *See* MPEP §706.02(j). The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *See In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991) (emphasis added).

The Examiner concedes that Groat, *et al.* fails to disclose that a corresponding event occurs in at least one year of stored account data. However, the Examiner claims the invention is obviated by taking Official Notice that it is old and well-known in the art of retirement planning that many people who take it upon themselves to implement a retirement plan do so at least one year prior to actually retiring. Even if true, the purported Official Notice does not make the subject aspects of the invention obvious to one of skill in the art. In particular, claim 33 recites ***determining an attribute impact value*** for an account as a function of ... ***a corresponding event in at least one other year of data***. Groat, *et al.* merely discloses that an event, in particular a retirement date, indicates to a user that at least one numeric object is affected by the event (¶ 59). Such a disclosure fails to disclose, teach or suggest each and every aspect of the claimed invention. Furthemore, even if a user plans their retirement one year prior to actually retiring, the claimed limitations are not disclosed or taught. In particular, an ***attribute impact value*** is not determined from ***a***

corresponding event in at least one other year of data. Moreover, an attribute impact value would not be available until the event occurs at least once. Retirement typically happens only once. Thus, it does not make sense to determine an impact value for one's retirement from a corresponding retirement in at least one other year of data.

In view of the foregoing, it is apparent that a *prima facie* case of obvious has not been established with regard to claims 6-8 and 33. Accordingly, the rejection of these claims should be withdrawn.

CONCLUSION

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063.

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicant's undersigned representative at the telephone number listed below.

Respectfully submitted,

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